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09/741,084

12/21/2000

Mikael Albrecht

108347-00002

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7590

05/04/2005

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EXAMINER

SONG, HOSUK

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,084

Applicant(s)

ALBRECHT, MIKAEL

Examiner

Hosuk Song

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Please note that the application has been docketed to a different examiner. Please refer all future communications regarding this application to the examiner of record, using the information supplied in the final section of the office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6,9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ji et al(US 5,623,600).

Claim 1: Ji disclose identifying at a first node of a computer network, electronic files which require to be scanned for computer viruses in (fig.6C). Ji disclose initiating a dialogue between first node and second node of the network, the second node comprising a virus scanning application,during which dialogue the second node node identifies to the first node one or more portions of the electronic file required by the virus scanning application in (col.7,lines 51-67;fig.6C). Ji disclose transferring the identified portion(s) from the first node to the second node over the network and at the second node,scanning the transferred portions for computer viruses in (col.9,lines 1-13 and fig.6C).

Claim 2: Ji disclose identifying electronic file which require virus scanning,at a plurality of first nodes of the computer network and initiating a dialogue between the first nodes and the second node when appropriate in (fig.6C).

Claim 3: Ji disclose first node and the second node are located at respective different locations in the computer network in (col.3,lines 51-63).

Claim 4: Ji disclose first node is one of a database server, electronic mail server, Internet server, a proxy server or a firewall server in (col.2,lines 48-51).

Claim 5: Ji disclose dialogue is carried out using a network protocol carried by IP in (fig.4 and col.9,lines 1-13).

Claim 6: Ji disclose analyzing the file portions received at the second node to determine whether or not the file contains a virus or can not be guaranteed to not contain a virus and returning the result to the first node over the network in (fig.5A and col.9,lines 1-10).

Claim 9: Ji disclose a first computer having processing means arranged to identify electronic files which should be scanned for computer in (fig.2,6C). Ji disclose a second computer processing means arranged to perform a virus scanning operation in (col.7,lines 33-40). Ji disclose the first computer comprising communications means for initiating a dialogue between the first computer and the second computer during which the second computer identifies to the first computer those portions of the electronics files required by the first computer for performing the virus scanning operation and for transferring those portions to the second computer in (col.7,lines 51-67; col.9,lines 1-13 and fig.6C).

Claim 10: Ji disclose identify electronic files which require to be scanned for computer viruses in (fig.6C). Ji disclose initiate a dialogue between the first computer and a second computer also connected to the computer network in (col.7,lines 51-67 and fig.6C). Ji disclose receive from the second computer an identification of portions of the electronic file which are required for virus scanning of the electronic files at the second computer and transfer the identified portion from the first computer to the second computer in (fig.6B).

Claim 11: Ji disclose receive a dialogue initiation from a second computer also connected to a computer network to receive a dialogue initiation request from a second computer also connected to the computer network concerning an electronic file identified by the

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second computer as requiring a virus scan in (col.7,lines 51-67; col.9,lines 1-13 and fig.6C). Ji disclose identify to the second computer those portions of the electronic file which are required by the first mentioned computer for performing a virus scanning operation at the first computer and receive the identified portions of the electronic file from the second computer in (fig.6B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ji et al.(US 5,623,600) in view of Chen et al.(US 5,832,208).

Claim 7: Ji does not specifically disclose transferring from the second node to the first node data portions to be written into the file to disinfect the file. Chen discloses this limitation in (fig.3). It would have been obvious to person of ordinary skill in the art at the time invention was made to disinfect the file as taught in Chen with virus detection system of Ji in order to prevent virus from infecting whole system.

3. Claims 8,12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ji et al.(US 5,623,600) in view of Nachenberg(US 6,067,410).

Claim 8: Ji does not specifically disclose sending instructions from the second node to the first node to inform the first node how to disinfect the file. Nachenberg disclose this limitation in (fig.1C and col.2,lines 55-67;col.3,lines 1-12). It would have been obvious to person of ordinary skill in the art at the time invention was made to send instructions on how to disinfect the file as taught in Nachenberg with virus scan system of Ji in order for recipient to properly

clean disinfected file according to provider's method thus minimizing data error or data mishandling.

Claim 12: Ji disclose all the limitation. Ji does not disclose sending from the second node to the first node, data portions to be written into the infected file and /or instructions for disinfecting the file and receiving the data portions and/or instructions at the first node and writing the data portions into the infected file and/or carrying out instructions. Nachenberg's patent discloses this limitation in (fig.1C and col.2, lines 55-67; col.3, lines 1-12). It would have been obvious to person of ordinary skill in the art at the time invention was made to send instructions on how to disinfect the file as taught in Nachenberg with virus scan system of Ji in order for recipient to properly clean disinfected file according to provider's method thus minimizing data error or data mishandling.

Claim 13: Ji disclose first and second nodes are respective computer workstations coupled to a common network in (fig.7).

Claim 14: Ji disclose workstation corresponding to the second node is arranged to communicate with a plurality of workstations corresponding to respective nodes in (col.1, lines 18-35).

Response to Applicant's Arguments

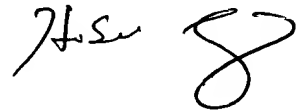
4. Claims 1-14 are pending. Previous grounds of rejection are withdrawn in view of Applicant's arguments in the Amendment filed 12/6/2004. However, newly discovered prior art has necessitated new grounds of rejection. The new grounds of rejection are presented above. The delay in citation of the newly discovered prior art is regretted.

USPTO Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'H. Song' or similar, with a stylized flourish at the end.

HS